

NO. 22

JOURNAL
of the
HOUSE OF REPRESENTATIVES
of the
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

THURSDAY, FEBRUARY 19, 2009
(STATEWIDE SESSION)

Thursday, February 19, 2009
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 10:00 a.m.

Deliberations were opened with prayer by Representative J. R. SMITH as follows:

Our thought for today is from Isaiah 28:12: "To whom he said, This is the rest wherewith ye may cause the weary to rest; and this is the refreshing; yet they would not hear."

Let us pray. I believe today is a day of refreshing, refreshing because of Your great love and hope. A day of refreshing because of our colleagues, who work and labor with us, brought together from all parts of the State of South Carolina. We work to make this State a State filled with hope, filled with hope for the future, full of expectations for our children, our friends, and our neighbors. Let us pray for our Speaker, Governor, Nation, and President, but most of all, we pray for each of us as we go about our daily activities. Let us keep in mind, we are all important in the eyes of our Creator. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

MOTION ADOPTED

Rep. DELLENEY moved that when the House adjourns, it adjourn in memory of Edward Eugene Williams, Jr., of Greenville, which was agreed to.

REGULATIONS RECEIVED

The following were received and referred to the appropriate committee for consideration:

Document No. 4043

Agency: Workers' Compensation Commission

Statutory Authority: 1976 Code Section 42-3-30

THURSDAY, FEBRUARY 19, 2009

Amend and Add Regulations to Chapter 67 to Reflect Changes in Title
42 Necessitated by the Approval of Act 111 on June 25, 2007
Received by Speaker of the House of Representatives
February 18, 2009
Referred to Labor, Commerce and Industry Committee
Legislative Review Expiration January 25, 2010

Document No. 4049
Agency: State Board of Education
Statutory Authority: 1976 Code Sections 59-5-60 and 59-20-60
Use and Dissemination of Test Results
Received by Speaker of the House of Representatives
February 18, 2009
Referred to Education and Public Works Committee
Legislative Review Expiration January 25, 2010

REPORTS OF STANDING COMMITTEES

Rep. DUNCAN, from the Committee on Agriculture, Natural
Resources and Environmental Affairs, submitted a favorable report
with amendments on:

H. 3121 -- Reps. J. E. Smith, E. H. Pitts, T. R. Young, Hutto and
M. A. Pitts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH
CAROLINA, 1976, BY ADDING SECTION 50-15-75 SO AS TO
PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO
REMOVE, OR ATTEMPT TO REMOVE, FROM THIS STATE
MORE THAN TEN TURTLES OF CERTAIN NAMED SPECIES,
TO PROVIDE EXCEPTIONS, AND TO PROVIDE PENALTIES
FOR VIOLATIONS.

Ordered for consideration tomorrow.

Rep. DUNCAN, from the Committee on Agriculture, Natural
Resources and Environmental Affairs, submitted a favorable report on:

H. 3179 -- Reps. Cooper, Battle, H. B. Brown, Funderburk, Hodges
and T. R. Young: A BILL TO AMEND THE CODE OF LAWS OF
SOUTH CAROLINA, 1976, BY ADDING SECTION 59-10-400 SO
AS TO ENACT THE "SOUTH CAROLINA FARM TO SCHOOL
PROGRAM ACT", TO PROVIDE FOR THE CREATION OF THE
SOUTH CAROLINA FARM TO SCHOOL PROGRAM, TO
PROVIDE FOR THE DUTIES OF ITS DIRECTOR, AND TO

THURSDAY, FEBRUARY 19, 2009

ESTABLISH A WEBSITE DEDICATED TO PROGRAM INITIATIVES.

Ordered for consideration tomorrow.

Rep. DUNCAN, from the Committee on Agriculture, Natural Resources and Environmental Affairs, submitted a favorable report with amendments on:

H. 3270 -- Rep. Duncan: A BILL TO AMEND SECTION 44-2-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGISTRATION OF UNDERGROUND STORAGE TANKS, SO AS TO ESTABLISH NEW ANNUAL RENEWAL FEES AND TO REQUIRE THAT THE ADDITIONAL REVENUE GENERATED FROM THE TANK FEE INCREASES BE DEPOSITED INTO THE SUPERB ACCOUNT.

Ordered for consideration tomorrow.

CONCURRENT RESOLUTION

The following was introduced:

H. 3574 -- Rep. Herbkersman: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES HEYWARD COVE ALONG BRIDGE STREET IN THE TOWN OF BLUFFTON THE "THOMAS G. HEYWARD MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE THAT CONTAIN THE WORDS "THOMAS G. HEYWARD MEMORIAL BRIDGE".

The Concurrent Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.

INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were introduced, read the first time, and referred to appropriate committees:

H. 3575 -- Reps. Hearn, Barfield, Hardwick, Clemmons, Edge and Viers: A BILL TO AMEND ACT 287 OF 1989, AS AMENDED, RELATING TO THE MEMBERSHIP OF THE HORRY COUNTY BOARD OF EDUCATION, SO AS TO PROVIDE THAT THE TERM OF OFFICE OF A NEWLY ELECTED MEMBER OF THE HORRY COUNTY BOARD OF EDUCATION MUST COMMENCE UPON

THURSDAY, FEBRUARY 19, 2009

THE DATE OF THE FIRST MEETING OF THE BOARD IN JANUARY FOLLOWING THE NOVEMBER ELECTION.

On motion of Rep. HEARN, with unanimous consent, the Bill was ordered placed on the Calendar without reference.

H. 3576 -- Reps. Erickson, Brantley, Ballentine, Huggins, Bowen, Duncan, Vick, Chalk, Bedingfield, Nanney, Merrill, Haley, Toole, Allison, Anthony, Bannister, Bingham, Forrester, Hamilton, Hardwick, Hearn, Herbkersman, Horne, Limehouse, Long, Millwood, Owens, Parker, Parks, E. H. Pitts, M. A. Pitts, Rice, Sandifer, G. R. Smith, Sottile, Spires, Stringer, Umphlett, Viers, White, Whitmire, Wylie and A. D. Young: A JOINT RESOLUTION TO PROVIDE THAT NO STATE AGENCY, DEPARTMENT, OR ENTITY BY REGULATION OR OTHERWISE MAY ADMINISTRATIVELY INCREASE OR IMPLEMENT A FEE FOR PERFORMING A SERVICE OR FUNCTION, OR A CIVIL PENALTY OR FINE FOR FAILURE TO COMPLY WITH A REQUIREMENT OR PROVISION OF LAW UNDER ITS JURISDICTION WITHOUT THE SPECIFIC APPROVAL OF THE INCREASED OR NEW FEE, FINE, OR PENALTY BY THE GENERAL ASSEMBLY BY CONCURRENT RESOLUTION; TO PROVIDE THAT GENERAL APPROVAL BY THE GENERAL ASSEMBLY BY JOINT RESOLUTION OF A REGULATION OF A STATE AGENCY OR DEPARTMENT UNDER THE ADMINISTRATIVE PROCEDURES ACT WHEREIN A FEE, FINE, OR PENALTY INCREASE OR IMPOSITION IS CONTAINED DOES NOT CONSTITUTE APPROVAL UNDER THE REQUIREMENTS OF THIS SECTION, AND IF AN INCREASE OR IMPLEMENTATION IS CONTAINED IN THAT JOINT RESOLUTION, THE INCREASE OR IMPLEMENTATION IS NULL AND VOID; TO PROVIDE CERTAIN EXCEPTIONS; AND TO PROVIDE FOR THE DURATION OF THIS PROVISION.

Referred to Committee on Ways and Means

H. 3577 -- Rep. Gullick: A BILL TO AMEND CHAPTER 4, TITLE 49, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REDESIGNATING THE CHAPTER AS THE "SOUTH CAROLINA WATER WITHDRAWAL, PERMITTING, USE, AND REPORTING ACT", SO AS TO MAKE CERTAIN DECLARATIONS REGARDING THE STATE'S REGULATION OF RIPARIAN RIGHTS, TO PROVIDE CERTAIN DEFINITIONS, TO SPECIFY

THURSDAY, FEBRUARY 19, 2009

SPECIFIC EXEMPTIONS FROM THE CHAPTER, TO PROVIDE THAT USE OF THE WATERS OF THE STATE ON NONRIPARIAN LAND IS LAWFUL AND REQUIRES EQUAL CONSIDERATION WITH A USE ON A RIPARIAN LAND IN AN ADMINISTRATIVE OR JUDICIAL PROCEEDING RELATING TO AN ALLOCATION, WITHDRAWAL, OR USE OF WATER, OR TO A MODIFICATION OF A WATER RIGHT, AND VARIOUS PROVISIONS REGARDING THE PERMITTING AND REGULATION OF SURFACE WATER WITHDRAWERS; AND TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL PROMULGATE A REGULATION PURSUANT TO CHAPTER 4, TITLE 49, RELATING TO SURFACE WATER WITHDRAWAL, PERMITTING, USE, AND REPORTING, TO ESTABLISH A FEE NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS CHAPTER.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3578 -- Reps. Erickson, Herbkersman, Brantley, Chalk, Merrill, Huggins, Bowen, Bingham, Hamilton, Hardwick, Hearn, Horne, Long, Nanney, Sandifer, G. R. Smith, Spires, Stavrinakis and A. D. Young: A BILL TO AMEND SECTION 54-3-700, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MANNER IN WHICH THE MARINE TERMINAL OPERATIONS OF THE STATE PORTS AUTHORITY AT PORT ROYAL SHALL BE TERMINATED AND THE PROPERTY SOLD, SO AS TO EXTEND THE DATE THAT THE TERMS OF THE SALE OF THE PROPERTY MAY NOT EXTEND BEYOND AND TO DELETE A PROVISION THAT NO BID MAY BE ACCEPTED WHICH IS LESS THAN THE PROPERTY'S FAIR MARKET VALUE AS SHOWN BY THE APPRAISAL.

Referred to Committee on Ways and Means

H. 3579 -- Reps. Jennings and Cato: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-13-200 SO AS TO PROVIDE FOR QUARTERLY ELECTION DATES FOR CONDUCTING REFERENDA OR OTHER BALLOT QUESTIONS FOR ALL ENTITIES AUTHORIZED TO CONDUCT THEM.

Referred to Committee on Judiciary

THURSDAY, FEBRUARY 19, 2009

H. 3581 -- Rep. Cooper: A JOINT RESOLUTION TO FURTHER PROVIDE FOR FISCAL YEAR 2009-2010 FOR THE FUNCTIONS AND FUNDING OF CERTAIN LOCAL GOVERNMENT MATTERS.

Referred to Committee on Ways and Means

H. 3583 -- Reps. Funderburk, Lucas and Gunn: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON FEBRUARY 4, 2009, BY THE STUDENTS OF MIDWAY ELEMENTARY, BETHUNE ELEMENTARY, MOUNT PISGAH ELEMENTARY, BARON DEKALB ELEMENTARY, NORTH CENTRAL MIDDLE, AND NORTH CENTRAL HIGH SCHOOLS WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

On motion of Rep. FUNDERBURK, with unanimous consent, the Joint Resolution was ordered placed on the Calendar without reference.

H. 3584 -- Reps. Harrell, Bingham, Cooper, Harrison, Owens, Sandifer, White, Crawford, Bannister, Huggins, Sottile, Spires, Herbkersman, Loftis, Bowen, Erickson, Daning, Hardwick, J. R. Smith, Pinson, Toole, Brady, Clemmons, Edge, Forrester, Frye, Gullick, Hearn, Hiott, Horne, Kelly, Littlejohn, Long, E. H. Pitts, Rice, Skelton, D. C. Smith, G. M. Smith, Whitmire and Wylie: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-21-625 SO AS TO IMPOSE A SURTAX ON EACH CIGARETTE IN AN AMOUNT OF TWO AND ONE-HALF CENTS, PROVIDE FOR THE CREDITING OF THE REVENUE FROM THE SURTAX TO THE SMOKING PREVENTION AND CESSATION TRUST FUND, THE DEPARTMENT OF AGRICULTURE FOR MARKETING AND BRANDING STATE-GROWN CROPS AND TO ASSIST IN RELIEF FROM NATURAL DISASTERS AFFECTING STATE-GROWN CROPS, THE SOUTH CAROLINA HEALTHY FAMILIES INSURANCE TRUST FUND, AND THE PALMETTO HEALTH CARE SAFETY NET TRUST FUND, PROVIDE FOR REPORTING, PAYMENT, COLLECTION, AND ENFORCEMENT OF THE SURTAX, AND DEFINE "CIGARETTE"; TO AMEND SECTION 12-21-620, RELATING TO THE ORIGINAL CIGARETTE TAX, SO AS TO CONFORM DEFINITIONS; BY ADDING SECTION 11-11-230 SO AS TO

THURSDAY, FEBRUARY 19, 2009

CREATE AND ESTABLISH IN THE STATE TREASURY THE SMOKING PREVENTION AND CESSATION TRUST FUND, THE SOUTH CAROLINA HEALTHY FAMILIES INSURANCE TRUST FUND, AND THE PALMETTO HEALTH CARE SAFETY NET TRUST FUND, ALL SO AS TO RECEIVE DEPOSITS OF THE REVENUES FROM THE CIGARETTE SURTAX AS SPECIFIED; BY ADDING CHAPTER 62 TO TITLE 38 SO AS TO CREATE AND ESTABLISH THE SOUTH CAROLINA HEALTHY FAMILIES INSURANCE PLAN, PROVIDING FOR A PREMIUM CREDIT NOT TO EXCEED THREE THOUSAND DOLLARS TO AN ELIGIBLE INDIVIDUAL OR EMPLOYER TOWARD THE PURCHASE OF A QUALIFYING HEALTH INSURANCE PLAN, DESCRIBING ELIGIBILITY REQUIREMENTS AND THE CERTIFICATION PROCESS, DEFINING THE QUALIFYING INDIVIDUALLY OR EMPLOYER-SPONSORED INSURANCE PLANS, AND PROVIDING FOR ADMINISTRATION AND REPORTING BY THE DEPARTMENT OF INSURANCE; AND BY ADDING SECTION 38-74-75 SO AS TO CREATE THE PALMETTO HEALTH CARE SAFETY NET PROGRAM, ESTABLISHING A SELF-SUSTAINING AND FINANCIALLY INDEPENDENT PORTION OF THE PREMIUM ASSISTANCE POOL, AND PROVIDING FOR ELIGIBILITY REQUIREMENTS, ADMINISTRATION, AND REPORTING BY THE DEPARTMENT OF INSURANCE AND OPERATING GUIDELINES.

Referred to Committee on Ways and Means

H. 3585 -- Reps. T. R. Young, Brantley, Spires, Allison, Bales, Bedingfield, Cole, Crawford, Delleney, Horne, McEachern, Merrill, Parker, Scott, G. R. Smith, Viers and A. D. Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-3-1065 SO AS TO PROVIDE DEFINITIONS FOR THE TERMS "VEHICLE" AND "FALSE OR SECRET COMPARTMENT", TO PROVIDE THAT IT IS UNLAWFUL TO OWN OR OPERATE A VEHICLE WITH A FALSE OR SECRET COMPARTMENT, TO INSTALL A FALSE OR SECRET COMPARTMENT IN A VEHICLE, AND TO SELL OR TRADE A VEHICLE WITH A FALSE OR SECRET COMPARTMENT, AND TO PROVIDE A PENALTY.

Referred to Committee on Judiciary

THURSDAY, FEBRUARY 19, 2009

H. 3586 -- Rep. J. E. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 75 TO TITLE 59 SO AS TO ENACT THE "SOUTH CAROLINA SCHOOL FACILITIES INFRASTRUCTURE ACT", TO PROVIDE FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS AND SPECIAL SOURCE BONDS AND NOTES BY THE SOUTH CAROLINA SCHOOL FACILITIES INFRASTRUCTURE AUTHORITY FOR THE CONSTRUCTION OF SCHOOL FACILITIES, TO CREATE THE SOUTH CAROLINA SCHOOL FACILITIES INFRASTRUCTURE AUTHORITY AND TO PROVIDE FOR ITS POWERS AND DUTIES, TO CREATE THE SCHOOL FACILITIES REVIEW COMMISSION AND TO PROVIDE FOR ITS POWERS AND DUTIES, TO SPECIFY THE TERMS BY WHICH THE BONDS AND NOTES ARE ISSUED, TO DEFINE CERTAIN TERMS; AND TO AMEND SECTION 59-71-155, RELATING TO GENERAL OBLIGATION BONDS, SO AS TO PROVIDE FOR THE ADDITION OF FINANCING AGREEMENTS BETWEEN A SCHOOL DISTRICT AND THE SCHOOL FACILITIES INFRASTRUCTURE AUTHORITY.

Referred to Committee on Ways and Means

H. 3587 -- Rep. J. E. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 2 TO CHAPTER 36, TITLE 15 SO AS TO ENACT THE "CITIZENS PARTICIPATION IN GOVERNMENT ACT OF 2009" AND TO PROVIDE THAT ACTS IN FURTHERANCE OF THE CONSTITUTIONAL RIGHT TO PETITION ARE IMMUNE FROM CIVIL LIABILITY EXCEPT WHEN THE ACTS ARE NOT AIMED AT PROCURING A GOVERNMENTAL OR ELECTORAL ACTION, RESULT, OR OUTCOME, TO PROVIDE EXPEDITED PROCEDURES FOR HEARING MOTIONS IN ACTIONS BROUGHT IN OPPOSITION TO A CITIZEN'S RIGHT TO PETITION THE GOVERNMENT, TO PROVIDE FOR ATTORNEY'S FEES AND COSTS TO THE PREVAILING PARTY; AND TO DESIGNATE SECTIONS 15-36-10 THROUGH 15-36-100 AS ARTICLE 1, CHAPTER 36 ENTITLED "SOUTH CAROLINA FRIVOLOUS CIVIL PROCEEDINGS SANCTIONS ACT" AND TO REDESIGNATE CHAPTER 36 AS "SANCTIONS".

Referred to Committee on Judiciary

THURSDAY, FEBRUARY 19, 2009

H. 3588 -- Rep. J. E. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-3910 SO AS TO PROVIDE DEFINITIONS FOR THE TERMS "CHILD" AND "UNATTENDED", TO PROVIDE THAT IT IS UNLAWFUL FOR THE OPERATOR OR AN ADULT PASSENGER OF A MOTOR VEHICLE TO LEAVE THE MOTOR VEHICLE FOR MORE THAN FIVE MINUTES WHEN AN UNATTENDED CHILD IS INSIDE THE VEHICLE, TO PROVIDE THAT CERTAIN PERSONS WHO OBSERVE A CHILD LEFT UNATTENDED IN A MOTOR VEHICLE MAY REMOVE THE CHILD FROM THE VEHICLE AND ARE NOT LIABLE IN A CIVIL ACTION TO ANY PARTY FOR AN ACT PERFORMED IN GOOD FAITH, AND TO PROVIDE A PENALTY FOR A VIOLATION OF THIS SECTION.

Referred to Committee on Judiciary

H. 3589 -- Reps. White, Bowen, Thompson, Cooper and Gambrell: A BILL TO AMEND ACT 269 OF 1989, AS AMENDED, RELATING TO ANDERSON COUNTY SCHOOL DISTRICT BUDGETS AND TAX MILLAGES, SO AS TO PROVIDE THAT THE BUDGET THAT A SCHOOL DISTRICT IN ANDERSON COUNTY MUST PROVIDE TO THE ANDERSON COUNTY BOARD OF EDUCATION MUST INCLUDE AN ITEMIZED ACCOUNTING OF HOW OPERATING FUNDS OF THE DISTRICT ARE PROPOSED TO BE ALLOCATED, AND TO PROVIDE THAT THE BOARD MAY DELETE ITEMS OR SHIFT FUNDS AMONG BUDGET ITEMS OF DISTRICT BUDGETS.

On motion of Rep. WHITE, with unanimous consent, the Bill was ordered placed on the Calendar without reference.

H. 3590 -- Reps. Edge, Clemmons, Hardwick, Hearn and Viers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 9 TO CHAPTER 10, TITLE 4 ENACTING THE "LOCAL OPTION TOURISM DEVELOPMENT FEE ACT" SO AS TO ALLOW A COUNTY IN WHICH AT LEAST FOURTEEN MILLION DOLLARS OF STATE ACCOMMODATIONS TAX REVENUES HAVE BEEN COLLECTED IN A FISCAL YEAR AND A MUNICIPALITY LOCATED IN SUCH A COUNTY TO IMPOSE A FEE NOT TO EXCEED ONE PERCENT OF AMOUNTS SUBJECT TO TAX PURSUANT TO CHAPTER 36, TITLE 12, THE SOUTH CAROLINA SALES AND USE TAX ACT, FOR NOT MORE THAN

THURSDAY, FEBRUARY 19, 2009

TEN YEARS, TO PROVIDE THAT THE COUNTY MAY IMPOSE THE FEE BY ORDINANCE IN THE UNINCORPORATED AREAS OF THE COUNTY AND A MUNICIPALITY MAY IMPOSE THE FEE BY ORDINANCE IN THE MUNICIPALITY, TO PROVIDE FOR THE ADMINISTRATION OF THE FEE, AND TO PROVIDE THAT USES FOR WHICH THE FEE REVENUE MUST BE APPLIED, INCLUDING TOURISM PROMOTION, PROPERTY TAX ROLLBACK, AND CAPITAL PROJECTS PROMOTING TOURISM CAUSES.

Referred to Committee on Ways and Means

S. 268 -- Senator McConnell: A BILL TO AMEND CHAPTER 8, TITLE 6, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BUILDING CODES ENFORCEMENT OFFICERS, SO AS TO ESTABLISH A "SPECIAL INSPECTOR" OR "SPECIAL INSPECTION AGENCY" TO PERFORM BUILDING INSPECTIONS IN ONE OR MORE CONSTRUCTION TRADE DISCIPLINES, AND TO PROVIDE THE LICENSING PROCEDURE TO REQUIRE AUTHORIZATION FOR PERFORMING THESE INSPECTIONS FROM THE SOUTH CAROLINA BUILDING CODES COUNCIL AND THE DEPARTMENT OF LABOR, LICENSING AND REGULATION.

Referred to Committee on Labor, Commerce and Industry

S. 351 -- Senators Grooms, McConnell and Ford: A BILL TO AMEND ARTICLE 1, CHAPTER 3, TITLE 54 OF THE 1976 CODE, RELATING TO THE CREATION AND ORGANIZATION OF THE SOUTH CAROLINA STATE PORTS AUTHORITY, TO CLARIFY THAT THE POWERS AND DUTIES OF THE AUTHORITY ARE EXERCISED BY A BOARD OF DIRECTORS, TO PROVIDE THAT CANDIDATES FOR APPOINTMENT MUST POSSESS CERTAIN QUALIFICATIONS, TO PROVIDE THAT CANDIDATES MUST BE SCREENED TO DETERMINE WHETHER THEY POSSESS THE REQUIRED QUALIFICATIONS BEFORE THEY MAY SERVE ON THE BOARD, TO PROVIDE THAT MEMBERS OF THE BOARD MAY BE REMOVED FROM OFFICE ONLY FOR CAUSE, TO PROVIDE THAT THE BOARD MUST PERFORM AN ANNUAL PERFORMANCE REVIEW OF THE EXECUTIVE DIRECTOR, TO ESTABLISH THAT DIRECTORS HAVE A DUTY OF GOOD FAITH AND ORDINARY CARE WHEN DISCHARGING THEIR DUTIES AS A DIRECTOR, TO PROHIBIT

THURSDAY, FEBRUARY 19, 2009

CONFLICT OF INTEREST TRANSACTIONS, TO ESTABLISH A SOUTH CAROLINA STATE PORTS ADVISORY BOARD, AND SET THE MEMBERSHIP, DUTIES, AND RESPONSIBILITIES OF THE ADVISORY BOARD; TO AMEND CHAPTER 3, TITLE 54, BY ADDING ARTICLE 2, RELATING TO PORTS AUTHORITY MANAGEMENT, TO PROVIDE THAT THE BOARD OF DIRECTORS MUST HIRE AN EXECUTIVE DIRECTOR OF PORT OPERATIONS AND TO ESTABLISH THE DIRECTOR'S DUTY TO OPERATE THE PORTS IN A MANNER CONSISTENT WITH THE MISSION, POLICIES, AND DIRECTION OF THE BOARD; TO AMEND SECTION 54-3-140(5), TO PROVIDE THAT THE BOARD OF DIRECTORS MUST ADOPT AN ORGANIZATIONAL STRUCTURE FOR AUTHORITY OPERATIONS; TO AMEND SECTION 54-3-140, RELATING TO THE POWERS OF THE PORTS AUTHORITY, BY ADDING TWO NEW ITEMS THAT REQUIRE A LONG-RANGE PORT DEVELOPMENT AND CAPITAL FINANCING PLAN AND TO PROVIDE THAT THE AUTHORITY MUST CONSIDER PUBLIC-PRIVATE PARTNERSHIPS FOR CURRENT AND FUTURE OPERATIONS; TO AMEND SECTION 54-3-1040, RELATING TO THE ANNUAL FINANCIAL STATEMENT, AND TO PROVIDE THAT COPIES OF THE STATEMENT MUST BE FORWARDED TO THE ADVISORY COMMITTEE AND THE GENERAL ASSEMBLY; TO AMEND ARTICLE 11, CHAPTER 3, TITLE 54, RELATING TO FINANCIAL MATTERS, BY ADDING SECTION 54-3-1060, TO PROVIDE THAT THE AUTHORITY MUST MAINTAIN A TRANSACTION REGISTER OF ALL FUNDS EXPENDED OVER ONE HUNDRED DOLLARS AND MUST MAINTAIN ON ITS INTERNET WEBSITE A COPY OF EACH MONTHLY CREDIT CARD STATEMENT FOR ALL CREDIT CARDS MAINTAINED BY THE AUTHORITY; AND TO AMEND CHAPTER 3, TITLE 54, BY ADDING ARTICLE 13, RELATING TO LEGISLATIVE OVERSIGHT, TO REQUIRE REGULAR OVERSIGHT REVIEW OF THE AUTHORITY AND THE EXECUTIVE DIRECTOR.

Referred to Committee on Judiciary

HOUSE RESOLUTION

The following was introduced:

H. 3580 -- Reps. Huggins, Ballentine, McLeod, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Bannister, Barfield, Battle,

[HJ]

THURSDAY, FEBRUARY 19, 2009

Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, Merrill, Miller, Millwood, Mitchell, Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A HOUSE RESOLUTION TO HONOR LORETTA PRICE, OF LEXINGTON COUNTY, FOR HER OUTSTANDING COMMUNITY SERVICE, AND TO RECOGNIZE AND COMMEND HER AS AN ARTICULATE SPOKESPERSON FOR THE AFRICAN-AMERICAN COMMUNITY DURING THE CELEBRATION OF BLACK HISTORY MONTH.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 3582 -- Reps. Gambrell, Thompson, Bowen, Agnew, Cooper and White: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR DETECTIVE JACKIE WAYNE MILLS, OF THE ANDERSON COUNTY SHERIFF'S OFFICE, UPON RECEIVING THE 2009 ANDERSON COUNTY LAW ENFORCEMENT OFFICER OF THE YEAR AWARD, AND TO EXPRESS DEEP GRATITUDE FOR HIS MERITORIOUS SERVICE TO THE CITIZENS OF HIS COMMUNITY.

The Resolution was adopted.

THURSDAY, FEBRUARY 19, 2009

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 444 -- Senator Shoopman: A CONCURRENT RESOLUTION TO HONOR MRS. CONNIE LYNN BOMAR OF GREER ON THE OCCASION OF HER NINETY-FIFTH BIRTHDAY, TO CELEBRATE HER RICH AND FULL LIFE, AND TO WISH HER A FUTURE OF GOOD HEALTH AND CONTINUED ENJOYMENT OF HER MANY FRIENDS AND LOVING FAMILY.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

ROLL CALL

The roll call of the House of Representatives was taken resulting as follows:

Agnew	Allen	Allison
Anderson	Anthony	Bales
Ballentine	Bannister	Barfield
Battle	Bedingfield	Bingham
Bowen	Bowers	Brady
Branham	Brantley	G. A. Brown
H. B. Brown	R. L. Brown	Cato
Chalk	Clemmons	Clyburn
Cobb-Hunter	Cole	Cooper
Crawford	Daning	Delleney
Dillard	Duncan	Erickson
Forrester	Frye	Funderburk
Gambrell	Gilliard	Govan
Gullick	Gunn	Haley
Hamilton	Hardwick	Harrell
Harrison	Hart	Harvin
Hayes	Hearn	Herbkersman
Hiott	Hodges	Horne
Hosey	Howard	Huggins
Hutto	Jefferson	Jennings
Kelly	Kennedy	King
Kirsh	Knight	Limehouse
Littlejohn	Long	Lowe
Lucas	Mack	McEachern
McLeod	Merrill	Miller

THURSDAY, FEBRUARY 19, 2009

Millwood	Mitchell	Moss
Nanney	J. M. Neal	Neilson
Ott	Owens	Parker
Parks	Pinson	E. H. Pitts
M. A. Pitts	Rice	Sandifer
Scott	Skelton	D. C. Smith
G. M. Smith	G. R. Smith	J. E. Smith
J. R. Smith	Sottile	Spires
Stavrinakis	Stewart	Stringer
Thompson	Toole	Umphlett
Vick	Weeks	Whipper
White	Whitmire	Williams
Willis	Wylie	A. D. Young
T. R. Young		

STATEMENT OF ATTENDANCE

I came in after the roll call and was present for the Session on Thursday, February 19.

Terry Alexander	Tracy Edge
Gary Simrill	Bakari Sellers
Joseph Neal	Thad Viers
Todd Rutherford	Dwight Loftis

Total Present--123

DOCTOR OF THE DAY

Announcement was made that Dr. Dale Gordineer of Edgefield was the Doctor of the Day for the General Assembly.

SPECIAL PRESENTATION

Rep. KING presented to the House the South Pointe High School "Stallions", the AAAA Division II Champions, their coaches and other school officials.

SPECIAL PRESENTATION

Reps. NEILSON, LUCAS and WILLIAMS presented to the House the Darlington High School "Lady Falcons" Varsity Softball Team, the 2008 AAA Champions, their coach and other school officials.

THURSDAY, FEBRUARY 19, 2009

CO-SPONSORS ADDED AND REMOVED

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee."

CO-SPONSOR ADDED

Bill Number: H. 3009
Date: ADD:
02/19/09 TOOLE

CO-SPONSOR ADDED

Bill Number: H. 3022
Date: ADD:
02/19/09 WEEKS

CO-SPONSOR ADDED

Bill Number: H. 3055
Date: ADD:
02/19/09 BALLENTINE

CO-SPONSOR ADDED

Bill Number: H. 3080
Date: ADD:
02/19/09 WILLIAMS

THURSDAY, FEBRUARY 19, 2009

CO-SPONSOR ADDED

Bill Number: H. 3102
Date: ADD:
02/19/09 TOOLE

CO-SPONSOR ADDED

Bill Number: H. 3121
Date: ADD:
02/19/09 M. A. PITTS

CO-SPONSOR ADDED

Bill Number: H. 3123
Date: ADD:
02/19/09 WEEKS

CO-SPONSOR ADDED

Bill Number: H. 3127
Date: ADD:
02/19/09 TOOLE

CO-SPONSOR ADDED

Bill Number: H. 3305
Date: ADD:
02/19/09 FRYE and CLEMMONS

CO-SPONSOR ADDED

Bill Number: H. 3311
Date: ADD:
02/19/09 WHITE and WEEKS

CO-SPONSOR ADDED

Bill Number: H. 3343
Date: ADD:
02/19/09 WEEKS

CO-SPONSOR ADDED

Bill Number: H. 3358
Date: ADD:
02/19/09 WEEKS

THURSDAY, FEBRUARY 19, 2009

CO-SPONSOR ADDED

Bill Number: H. 3372
Date: ADD:
02/19/09 CRAWFORD and BALLENTINE

CO-SPONSOR ADDED

Bill Number: H. 3395
Date: ADD:
02/19/09 TOOLE

CO-SPONSOR ADDED

Bill Number: H. 3396
Date: ADD:
02/19/09 TOOLE

CO-SPONSOR ADDED

Bill Number: H. 3418
Date: ADD:
02/19/09 TOOLE

CO-SPONSOR ADDED

Bill Number: H. 3418
Date: ADD:
02/19/09 M. A. PITTS

CO-SPONSOR ADDED

Bill Number: H. 3509
Date: ADD:
02/19/09 CLEMMONS

CO-SPONSOR REMOVED

Bill Number: H. 3525
Date: REMOVE:
02/19/09 HODGES

CO-SPONSOR REMOVED

Bill Number: H. 3303
Date: REMOVE:
02/19/09 DILLARD

THURSDAY, FEBRUARY 19, 2009

ORDERED TO THIRD READING

The following Bill was taken up, read the second time, and ordered to a third reading:

H. 3556 -- Reps. Loftis, Bedingfield, Nanney, Dillard, Cato, Allen, G. R. Smith, Hamilton, Rice, Stringer, Willis and Wylie: A BILL TO CHANGE THE NAME OF THE WESTERN CAROLINA REGIONAL SEWER AUTHORITY TO RENEWABLE WATER RESOURCES.

Rep. LOFTIS explained the Bill.

**H. 3556--ORDERED TO BE READ THIRD TIME
TOMORROW**

On motion of Rep. LOFTIS, with unanimous consent, it was ordered that H. 3556 be read the third time tomorrow.

SENT TO THE SENATE

The following Bills and Joint Resolution were taken up, read the third time, and ordered sent to the Senate:

H. 3352 -- Reps. Cooper, Owens, Stewart, Whitmire, Funderburk, Rice, Wylie, Allison, E. H. Pitts, R. L. Brown, White, Stavrinakis, Miller, Anderson, Battle, Hayes, Gilliard, Sottile, Mack, Harvin, Whipper, Hutto, G. R. Smith, Knight, Willis, Neilson, T. R. Young, Cobb-Hunter, J. H. Neal, Clyburn, G. M. Smith, Kennedy, Herbkersman, Merrill, Bingham, Ott, J. R. Smith, A. D. Young, Kirsh, Lucas, Littlejohn, Edge, Limehouse, M. A. Pitts, Loftis, D. C. Smith, Pinson, Barfield, Bannister, Dillard, Stringer, Allen, Nanney, Govan, Parker, Frye, Hardwick, Hearn, J. E. Smith, Clemmons, Agnew, Bedingfield, Williams, Vick, Horne, Bales and Umphlett: A JOINT RESOLUTION TO ALLOW LOCAL SCHOOL DISTRICTS AND SPECIAL SCHOOLS TO TRANSFER FUNDS AMONG APPROPRIATED REVENUES IN ORDER TO ENSURE THE DELIVERY OF ACADEMIC AND ARTS INSTRUCTION DURING THE 2008-2009 AND 2009-2010 FISCAL YEARS; TO ALLOW SCHOOL DISTRICTS FOR FISCAL YEARS 2008-2009 AND 2009-2010 TO SUSPEND CERTAIN PROFESSIONAL STAFFING RATIOS, TO TRANSFER FUNDS, TO DELAY THE DATE THAT TEACHER CONTRACTS ARE ISSUED, AND TO NEGOTIATE SALARIES FOR RETIRED AND TIER I TEACHERS BELOW

THURSDAY, FEBRUARY 19, 2009

MINIMUM SALARY REQUIREMENTS; TO ALLOW SCHOOL DISTRICTS FOR THE 2008-2009 AND 2009-2010 FISCAL YEARS TO FURLOUGH TEACHERS AND SCHOOL AND DISTRICT ADMINISTRATORS UPON CERTAIN CONDITIONS; TO PROVIDE CERTIFICATION AND REPORTING REQUIREMENTS; TO SUSPEND CERTAIN FORMATIVE ASSESSMENTS AND TO ALLOW SCHOOL DISTRICTS TO PURCHASE THE MOST ECONOMICAL TYPE OF BUS FUEL FOR THE 2008-2009 AND 2009-2010 FISCAL YEARS.

H. 3333 -- Reps. A. D. Young, J. H. Neal, Simrill and T. R. Young: A BILL TO AMEND SECTION 14-1-206, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ADDITIONAL ASSESSMENTS IMPOSED BY GENERAL SESSIONS COURTS, SO AS TO PROVIDE AN AMOUNT TO THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY; AND TO AMEND SECTION 14-1-207, AS AMENDED, RELATING TO ADDITIONAL ASSESSMENTS IMPOSED BY MAGISTRATES COURTS, SO AS TO PROVIDE AN AMOUNT TO THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY.

H. 3551 -- Reps. Littlejohn, Mitchell, Allison, Anthony, Cole, Forrester, Kelly, Millwood and Parker: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY DESIGNATING SECTIONS 59-53-1110, 59-53-1120, 59-53-1130, AND 59-53-1140 AS SUBARTICLE 1 AND ENTITLED "SPARTANBURG COUNTY COMMISSION FOR TECHNICAL AND COMMUNITY EDUCATION" OF ARTICLE 14, CHAPTER 53, TITLE 59; AND BY ADDING SUBARTICLE 2 TO ARTICLE 14, CHAPTER 53, TITLE 59 SO AS TO ENACT THE "SPARTANBURG COMMUNITY COLLEGE ENTERPRISE CAMPUS AUTHORITY ACT", AND TO PROVIDE FOR ITS POWERS AND DUTIES.

H. 3123--POINT OF ORDER

The following Bill was taken up:

H. 3123 -- Reps. J. E. Smith, H. B. Brown, McLeod, Horne and Weeks: A BILL TO AMEND SECTION 40-5-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROHIBITION AGAINST ANY PERSON PRACTICING OR SOLICITING THE

THURSDAY, FEBRUARY 19, 2009

CAUSE OF ANOTHER PERSON IN A COURT OF THIS STATE UNLESS HE HAS BEEN ADMITTED AND SWORN AS AN ATTORNEY, SO AS TO PROVIDE THAT THE PERSON MUST BE ENROLLED AS A MEMBER OF THE SOUTH CAROLINA BAR IN ORDER TO PRACTICE LAW OR SOLICIT THE LEGAL CAUSE OF ANOTHER, AND TO PROVIDE THE PRACTICE OF LAW SHALL BE DEFINED BY THE SUPREME COURT PRIOR TO ANY CHARGE BEING FILED PURSUANT TO THIS SECTION.

POINT OF ORDER

Rep. DUNCAN made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

H. 3343--POINT OF ORDER

The following Bill was taken up:

H. 3343 -- Reps. Rutherford and Weeks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-5-180 SO AS TO PROVIDE THAT THE ADMINISTRATOR OF A JAIL OR DETENTION CENTER SHALL PROVIDE AN ATTORNEY ACCESS TO HIS CLIENTS WHO ARE CONFINED IN THESE FACILITIES DURING THE PERIOD OF EIGHT O'CLOCK A.M. TO SIX O'CLOCK P.M.

POINT OF ORDER

Rep. BALES made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

H. 3305--POINT OF ORDER

The following Joint Resolution was taken up:

H. 3305 -- Reps. Bedingfield, Merrill, Bingham, Duncan, Loftis, G. R. Smith, Cato, Owens, Crawford, A. D. Young, Nanney, Bannister, Daning, Harrison, Horne, Kirsh, Lowe, Lucas, E. H. Pitts, Stringer, Thompson, Toole, Wylie, T. R. Young, Long, Rice, Parker, Allison,

THURSDAY, FEBRUARY 19, 2009

Littlejohn, Cole, Hiott, Edge, Whitmire, Hearn, Hardwick, D. C. Smith, Pinson, J. R. Smith, Simrill, Brantley, Willis, Hamilton, Erickson, Sottile, Scott, Harrell, Delleney, Gullick, Frye and Clemmons: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 1, ARTICLE II OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO ELECTIONS BY SECRET BALLOT AND PROTECTION OF THE RIGHT OF SUFFRAGE, SO AS TO PROVIDE THAT THE GUARANTEE OF THE RIGHT TO VOTE BY SECRET BALLOT APPLIES IN REQUIRED DESIGNATIONS OR AUTHORIZATIONS FOR EMPLOYEE REPRESENTATION.

POINT OF ORDER

Rep. BEDINGFIELD made the Point of Order that the Joint Resolution was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

H. 3084--POINT OF ORDER

The following Bill was taken up:

H. 3084 -- Reps. Toole, Wylie and Hamilton: A BILL TO AMEND SECTION 57-3-610, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NAMING OF A HIGHWAY FACILITY IN HONOR OF AN INDIVIDUAL, SO AS TO PROVIDE THAT UNLESS THE HIGHWAY FACILITY IS DEDICATED AND NAMED IN HONOR OF EITHER A SERVICEMAN OR LAW ENFORCEMENT OFFICER KILLED IN THE LINE OF DUTY, PUBLIC FUNDS MAY NOT BE USED TO REIMBURSE THE DEPARTMENT OF TRANSPORTATION FOR THE EXPENSES IT INCURS TO NAME AND DEDICATE THE HIGHWAY FACILITY.

POINT OF ORDER

Rep. OWENS made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

THURSDAY, FEBRUARY 19, 2009

H. 3080--POINT OF ORDER

The following Bill was taken up:

H. 3080 -- Reps. J. E. Smith and Williams: A BILL TO AMEND SECTION 56-1-180, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF A SPECIAL RESTRICTED DRIVER'S LICENSE TO CERTAIN MINORS BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE THAT THE RESTRICTIONS CONTAINED IN THIS DRIVER'S LICENSE MAY BE MODIFIED OR WAIVED BY THE DEPARTMENT IF THE RESTRICTED LICENSEE PROVES THAT THE RESTRICTIONS INTERFERE WITH TRAVEL BETWEEN THE LICENSEE'S HOME AND RELIGIOUS SPONSORED EVENTS.

POINT OF ORDER

Rep. WILLIAMS made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

H. 3094--POINT OF ORDER

The following Bill was taken up:

H. 3094 -- Reps. Littlejohn, Parker and Agnew: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-5-4975 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO OPERATE A VEHICLE THAT IS NO LONGER PERMITTED AND LICENSED AS AN AMBULANCE UNLESS THE VEHICLE'S EXTERIOR EQUIPMENT AND MARKINGS THAT DISTINGUISH IT AS AN AMBULANCE ARE REMOVED UNDER CERTAIN CIRCUMSTANCE AND TO PROVIDE A PENALTY.

POINT OF ORDER

Rep. OWENS made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

THURSDAY, FEBRUARY 19, 2009

H. 3175--POINT OF ORDER

The following Bill was taken up:

H. 3175 -- Reps. G. R. Smith and G. M. Smith: A BILL TO AMEND SECTION 59-40-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ADMISSION TO A CHARTER SCHOOL, SO AS TO PROVIDE THAT ENROLLMENT PRIORITY MAY BE GIVEN TO A SIBLING OF A PUPIL ALREADY ENROLLED IN THE CHARTER SCHOOL WHO HAS ATTENDED THE SCHOOL FOR ONE YEAR OR MORE.

POINT OF ORDER

Rep. GUNN made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

H. 3042--POINT OF ORDER

The following Bill was taken up:

H. 3042 -- Reps. Merrill, Parker, Huggins, H. B. Brown, Anderson, J. E. Smith, Miller, M. A. Pitts, Toole, Hayes, Bales, Jennings, Herbkersman, Vick, Rutherford, Hart, Sellers, McLeod, Moss, Hiott, Alexander, Gambrell, Bingham, Brady, Sandifer, Bedingfield and Ott: A BILL TO AMEND SECTIONS 40-81-20, 40-81-50, 40-81-70, 40-81-230, 40-81-280, 40-81-430, AND 40-81-480, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO REGULATIONS OF VARIOUS ATHLETIC AND SPORTING ACTIVITIES BY THE STATE ATHLETIC COMMISSION; BY ADDING SECTION 40-81-445 SO AS TO MAKE THE COMBATIVE SPORT OF MIXED MARTIAL ARTS LEGAL IN SOUTH CAROLINA, AND TO PROVIDE FOR THE MANNER IN WHICH THE STATE ATHLETIC COMMISSION SHALL SUPERVISE AND REGULATE MIXED MARTIAL ARTS COMPETITIONS; AND TO REPEAL SECTION 40-81-530 RELATING TO ULTIMATE FIGHTING EVENTS AS BEING UNLAWFUL.

POINT OF ORDER

Rep. CRAWFORD made the Point of Order that the Bill was improperly before the House for consideration since its number and

THURSDAY, FEBRUARY 19, 2009

title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

H. 3187--POINT OF ORDER

The following Bill was taken up:

H. 3187 -- Rep. Chalk: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 29-5-26 SO AS TO DEFINE THE TERM "LANDSCAPE SERVICE" AND TO PROVIDE THAT A PERSON WHO PROVIDES A LANDSCAPE SERVICE ON A PARCEL OR REAL ESTATE BY VIRTUE OF AN AGREEMENT WITH THE OWNER OF THE REAL ESTATE, AND TO WHOM A DEBT IS DUE FOR HIS PERFORMANCE OF THE LANDSCAPING SERVICE, HAS A MECHANICS' LIEN ON THE REAL ESTATE TO SECURE PAYMENT OF DEBT DUE TO HIM.

POINT OF ORDER

Rep. BALES made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

H. 3247--POINT OF ORDER

The following Bill was taken up:

H. 3247 -- Reps. Huggins and Duncan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27-40-445 SO AS TO PROVIDE A LANDLORD OF A MULTI-FAMILY DWELLING MAY EMPLOY CERTAIN EQUIPMENT OR METHODOLOGY TO DETERMINE THE QUANTITY OF WATER PROVIDED TO EACH SINGLE-FAMILY RESIDENCE WITHIN THE DWELLING, AND TO PROVIDE THE LANDLORD MAY CHARGE A TENANT FOR WATER AND WASTEWATER USED BY HIS SINGLE-FAMILY RESIDENCE, AND TO PROVIDE EXCEPTIONS; TO AMEND SECTION 27-40-210, RELATING TO GENERAL DEFINITIONS IN THE RESIDENTIAL LANDLORD AND TENANT ACT, SO AS TO DEFINE A MULTI-FAMILY DWELLING; AND TO AMEND

THURSDAY, FEBRUARY 19, 2009

SECTION 27-40-440, RELATING TO A LANDLORD'S OBLIGATIONS, SO AS TO PROVIDE SPECIFIC REQUIREMENTS PERTAINING TO THE PROVISION OF CENTRAL HEAT AND HOT WATER TO A MULTI-FAMILY DWELLING.

POINT OF ORDER

Rep. KING made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

H. 3565--POINT OF ORDER

The following Bill was taken up:

H. 3565 -- Reps. Clemmons, Horne and A. D. Young: A BILL TO AMEND SECTION 4-9-100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COUNTY COUNCIL MEMBERS HOLDING OTHER OFFICES AND THE SALARY AND COMPENSATION OF COUNCIL MEMBERS, SO AS TO PROVIDE THAT AN ORDINANCE REDUCING THE SALARY OF A COUNCIL MEMBER IS EFFECTIVE ON THIRD READING OF THE ORDINANCE, UNLESS PROVIDED OTHERWISE.

POINT OF ORDER

Rep. CLEMMONS made the Point of Order that the Bill was improperly before the House for consideration since its number and title have not been printed in the House Calendar at least one statewide legislative day prior to second reading.

The SPEAKER sustained the Point of Order.

OBJECTION TO RECALL

Rep. BRANTLEY asked unanimous consent to recall S. 327 from the Committee on Ways and Means.

Rep. CLEMMONS objected.

THURSDAY, FEBRUARY 19, 2009

RATIFICATION OF ACTS

At 11:15 a.m. the House attended in the Senate Chamber, where the following Acts and Joint Resolutions were duly ratified:

(R. 1, S. 234) -- Senator Rose: AN ACT TO REQUIRE THE SUPERINTENDENT OF DORCHESTER COUNTY SCHOOL DISTRICT NO. 2 TO PREPARE AND SUBMIT TO THE COUNTY AND THE MUNICIPALITIES WITHIN DORCHESTER SCHOOL DISTRICT NO. 2 AN ANNUAL REPORT DETAILING INFORMATION REGARDING THE IMPACT OF DEVELOPMENT ON SCHOOLS WITHIN THE DISTRICT, TO REQUIRE THE SUPERINTENDENT TO REQUEST FROM THE COUNTY AND ALL MUNICIPALITIES WITH LAND ENCOMPASSED BY THE DISTRICT APPLICATIONS AND ACCOMPANYING RESIDENTIAL HOUSING MATERIALS FOR LAND DEVELOPMENT PROJECTS THAT MEET CERTAIN CRITERIA, TO REQUIRE THE SUPERINTENDENT AND THE BOARD OF TRUSTEES TO DETERMINE WHETHER A PARTICULAR PROJECT WILL RESULT IN A SUBSTANTIAL IMPACT ON THE DISTRICT'S ABILITY TO PROVIDE SERVICES TO THE ADDITIONAL STUDENT POPULATION AND TO PREPARE AND SUBMIT A REPORT TO THE COUNTY AND ALL MUNICIPALITIES WITHIN THE DISTRICT DETAILING THE IMPACT AND NEED FOR ADDITIONAL RESOURCES.

(R. 2, S. 235) -- Senator Rose: AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES FOR DORCHESTER SCHOOL DISTRICT NO. 2 TO IMPOSE AN IMPACT FEE ON ANY DEVELOPER FOR EACH NEW RESIDENTIAL DWELLING UNIT CONSTRUCTED BY THE DEVELOPER WITHIN THE SCHOOL DISTRICT, TO PROVIDE THAT THE FUNDS ONLY MAY BE USED FOR THE CONSTRUCTION OF PUBLIC EDUCATION FACILITIES FOR GRADES K-12 WITHIN THE DISTRICT AND FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON EXISTING OR NEW BONDS ISSUED BY THE DISTRICT, AND TO PROVIDE THAT THE IMPACT FEE SHALL BE SET AT AN AMOUNT NOT TO EXCEED THE COST THAT EACH ADDITIONAL DWELLING UNIT IMPOSES ON THE SCHOOL DISTRICT FOR PUBLIC EDUCATION FACILITIES.

THURSDAY, FEBRUARY 19, 2009

(R. 3, H. 3061) -- Rep. A.D. Young: AN ACT TO DESIGNATE A CERTAIN PORTION OF DORCHESTER COUNTY AS COOSAW POINTE, TO REQUEST THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION TO ERECT SIGNS INDICATING THIS AREA DESIGNATED AS COOSAW POINTE, AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO SEEK REIMBURSEMENT FROM THE LOCAL COUNTY TRANSPORTATION COMMITTEE FOR ANY INCURRED COSTS TO MANUFACTURE, INSTALL, OR MAINTAIN THESE REQUESTED SIGNS.

(R. 4, H. 3232) -- Rep. Hosey: A JOINT RESOLUTION TO CHANGE THE CERTIFICATION DATE FOR THE RESULT OF A CAPITAL PROJECTS SALES AND USE TAX ACT REFERENDUM HELD AT THE TIME OF THE 2008 GENERAL ELECTION FROM NO LATER THAN NOVEMBER 30, 2008, TO NO LATER THAN DECEMBER 11, 2008.

(R. 5, H. 3267) -- Education and Public Works Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO OPERATION OF PUBLIC PUPIL TRANSPORTATION SERVICES, DESIGNATED AS REGULATION DOCUMENT NUMBER 3209, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

(R. 6, H. 3353) -- Rep. Harrison: A JOINT RESOLUTION TO ADOPT REVISED CODE VOLUME 21 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO THE EXTENT OF ITS CONTENTS, AS THE ONLY GENERAL PERMANENT STATUTORY LAW OF THE STATE AS OF JANUARY 1, 2009.

Rep. T. R. YOUNG moved that the House do now adjourn, which was agreed to.

ADJOURNMENT

At 11:24 a.m. the House, in accordance with the motion of Rep. DELLENEY, adjourned in memory of Edward Eugene Williams, Jr., of Greenville, to meet at 10:00 a.m. tomorrow.

THURSDAY, FEBRUARY 19, 2009

H. 3009	15	H. 3418	17
H. 3022	15	H. 3509	17
H. 3042	23	H. 3525	17
H. 3055	15	H. 3551	19
H. 3061	27	H. 3556	18
H. 3080	15, 22	H. 3565	25
H. 3084	21	H. 3574	3
H. 3094	22	H. 3575	3
H. 3102	16	H. 3576	4
H. 3121	2, 16	H. 3577	4
H. 3123	16, 19	H. 3578	5
H. 3127	16	H. 3579	5
H. 3175	23	H. 3580	11
H. 3179	2	H. 3581	6
H. 3187	24	H. 3582	12
H. 3232	27	H. 3583	6
H. 3247	24	H. 3584	6
H. 3267	27	H. 3585	7
H. 3270	3	H. 3586	8
H. 3303	17	H. 3587	8
H. 3305	16, 20	H. 3588	9
H. 3311	16	H. 3589	9
H. 3333	19	H. 3590	9
H. 3343	16, 20		
H. 3352	18	S. 234	26
H. 3353	27	S. 235	26
H. 3358	16	S. 268	10
H. 3372	17	S. 327	25
H. 3395	17	S. 351	10
H. 3396	17	S. 444	13